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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,896	03/21/2006	Marek Swoboda	SWO006-PT1-US	2966
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WOLF, BLOCK, SCHORR & SOLIS-COHEN LLP 1650 ARCH STREET, 22ND FLOOR PHILADELPHIA, PA 19103-2334			EXAMINER BANH, DAVID H	
			ART UNIT	PAPER NUMBER
			2854	
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			02/05/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/572,896

Applicant(s)

SWOBODA, MAREK

Examiner

DAVID BANH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, **the harness and leg support mechanisms** must be shown must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 10, 11, 13, 14 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Griffin et al. (US PG Pub 2002/0149567).

For claim 1: Griffin et al. teaches a keyboard **4008** for an electronic device **4000**, comprising a housing **4020** which has a top portion **4012, 4032**, a bottom portion **4008, 4014**, and first and second side portions **4004, 4006**. The bottom portion has a plurality of keys **4008**. The screen of the invention taught by Griffin et al. is capable of displaying the keys which are pressed, which constitutes a mechanism for indicating the function of the plurality of keys activated in the bottom portion of the housing. Griffin et al. teaches that the bottom portion of the housing constitutes a keyboard **4008**, and all standard keyboard apparatuses possess icons being labels on the keyboard for indicating the function of the key, for example, the character "A" for indicating that pressing the key will generate a character "A" on the screen.

Additionally, in paragraph 57 of page 5, the operating system is taught to give instructions to display the individual letters or strings of letters associated with the pressed key or keys on the screen.

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For claim 2: The keyboard can follow a QWERTY keyboard layout (page 1, paragraph 4).

For claim 3: The device has a key **5012** activating on the right side **4006** of the housing.

For claim 10: The housing is contoured to be rest on a user's palm (page 1, paragraph 8).

For claim 11: The display and operating system taught in Griffin et al. in paragraph 57 on page 5, teaches a mechanism that gives instructions for displaying in a preferable embodiment characters on a display. Characters displayed on a screen constitute a projected image and form part of a mechanism for indicating the function of the keys.

For claim 13: Griffin et al. teaches a keyboard **4008** for an electronic device **4000**, comprising a housing **4020** which has a top portion **4012**, **4032**, a bottom portion **4008**, **4014**, and first and second side portions **4004**, **4006**. The bottom portion has a plurality of keys **4008**. The housing is contoured to be rest on a user's palm (page 1, paragraph 8).

For claim 14: The device has a key **5012** activating on the right side **4006** of the housing.

For claims 16 and 17: Griffin et al. teaches that the bottom portion of the housing constitutes a keyboard **4008**, and all standard keyboard apparatuses possess icons being labels on the keyboard for indicating the function of the key, for example, the character "A" for indicating that pressing the key will generate a character "A" on the screen.

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The display and operating system taught in Griffin et al. in paragraph 57 on page 5, teaches a mechanism that gives instructions for displaying in a preferable embodiment characters on a display. Characters displayed on a screen constitute a projected image and form part of a mechanism for indicating the function of the keys.

For claim 18: The keyboard can follow a QWERTY keyboard layout (page 1, paragraph 4).

4. Claims 1, 6, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Olodort et al. (US PG Pub 2002/0084920).

For claims 1: Olodort et al. teaches a keyboard **50** for an electronic device **60** comprising a top portion **112**, a bottom portion **220, 320**, and first and second side portion **120, 420** further having a mechanism for indicating the function of the plurality of keys being letters disposed on the keyboard as seen in Fig. 2.

For claims 6 and 8: Olodort et al. further teaches a support mechanism **526, 530** comprising legs **530**.

For claim 9: In addition to the above teachings, Olodort et al. teaches a keyboard that is connected through radio antenna (page 7, paragraph 102) to an electronic device.

#### ***Claim Rejections - 35 USC § 103***

5. Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin et al. (US PG Pub 2002/0149567) in view of Ito et al. (US Patent 6,489,576).

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For claims 4 and 15: Griffin et al. teaches all of the limitations of claims 4 and 15 as found in parent claims 1 and 13 respectively. Griffin et al. does not teach the housing to be transparent. However, Ito et al. teaches a transparent casing for a keyboard (column 1, lines 1-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to manufacture the handheld device of Griffin et al. in a transparent casing for the purposes of improving the aesthetics of the product.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin et al. (US PG Pub 2002/0149567) in view of Lewis et al. (US PG Pub 2005/0068304).

For claim 5: Griffin et al. teaches all of the limitations of claim 5 as found in parent claim 1. Griffin et al. does not teach the keys to be transparent or opaque. However, Lewis et al. teaches keys **1300** with a transparent top surface **1305** and translucent glyphs **1301**, **1302**. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use opaque keys with transparent icons for the purpose allowing the keys to be backlit for use in the dark.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin et al. (US PG Pub 2002/0149567) in view of Janik (US Patent 6,108,197). Griffin et al. teaches all of the limitations of claim 7 as found in claim 1. Griffin et al. does not teach a harness being used as a support for the keyboard and electronic device. However, Janik teaches a harness for securing an electronic device to a person (Fig. 24). It would have been obvious to one of ordinary skill

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in the art at the time the invention was made to supply a harness for securing the keyboard and electronic device so that a person, particularly emergency personnel could use the device at reduced risk of losing or displacing it in high stress and emergency situations.

8. Claims 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin et al. (US PG Pub 2002/0149567) in view of Ijas et al. (US PG Pub 2002/0016191).

For claims 12 and 19: Griffin et al. teaches all of the limitations of claims 12 and 19 as found in parent claims 1 and 13 respectively. Griffin et al. does not teach the keys to be ergonomically positioned. However, Ijas et al. teaches the keys of a keyboard for a handheld device to be ergonomically positioned (page 1, paragraph 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to ergonomically position the keys for the purposes of reducing stress and strain on the hands of the user.

9. Claims 20 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin et al. (US PG Pub 2002/0149567) in view of Lewis et al. (US PG Pub 2005/0068304).

Griffin et al. teaches a keyboard **4008** for an electronic device **4000**, comprising a housing **4020** which has a top portion **4012, 4032**, a bottom portion **4008, 4014**, and first and second side portions **4004, 4006**. The bottom portion has a plurality of keys **4008**. The housing is contoured to be rest on a user's palm (page 1, paragraph 8). Griffin et al. teaches that the device has a key **5012** activating on the right side **4006** of the housing. Griffin et al. does not teach a key on the left



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side of the housing. However, Lewis et al. teaches a keyboard in an electronic device that possesses four portions, a top **206**, bottom, being the keyboard portion, unlabeled in Fig. 8, and first and second side portions **224, 210**. Both side portions possess keys which can be activated. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the idea of two side portions both having keys to the invention of Griffin et al. to allow for more functional non-keyboard keys to be placed on the apparatus for the purpose of affecting additional functions such as power-on and directional pad capabilities.

For claim 22: Griffin et al. teaches all of the limitations of claim 22 as found in parent claim 20. Griffin et al. does not teach the keys to be transparent or opaque. However, Lewis et al. teaches keys **1300** with a transparent top surface **1305** and translucent glyphs **1301, 1302**. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use opaque keys with transparent icons for the purpose allowing the keys to be backlit for use in the dark.

For claims 23 and 24: Griffin et al. teaches a mechanism for indicating the character of the function of the keys as pressing the key can cause the character to be displayed on the screen (page 5, paragraph 57), which would indicate the function of the key. The mechanism comprises an image projected by the screen of the electronic device.

For claim 25: Griffin et al. teaches the keyboard can follow a QWERTY keyboard layout (page 1, paragraph 4).

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10. Claim 21 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin et al. (US PG Pub 2002/0149567) and Lewis et al. (US PG Pub 2005/0068304) as applied to claim 20 above, and further in view of Ito et al. (US Patent 6,489,576).

For claim 21: Griffin et al. teaches all of the limitations of claim 21 in parent claim 20. Griffin et al. does not teach the housing to be transparent. However, Ito et al. teaches a transparent casing for a keyboard (column 1, lines 1-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to manufacture the handheld device of Griffin et al. in a transparent casing for the purposes of improving the aesthetics of the product.

11. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin et al. (US PG Pub 2002/0149567) and Lewis et al. (US PG Pub 2005/0068304) as applied to claim 20 above in further view of Ijas et al. (US PG Pub 2002/0016191).

Griffin et al. teaches all of the limitations of claims 26 as found in parent claim 20. Griffin et al. does not teach the keys to be ergonomically positioned. However, Ijas et al. teaches the keys of a keyboard for a handheld device to be ergonomically positioned (page 1, paragraph 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to ergonomically position the keys for the purposes of reducing stress and strain on the hands of the user.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID BANH whose telephone number is (571)270-3851. The examiner can normally be reached on M-Th 9:30AM-8PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571)272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DHB  
February 5, 2009

/Daniel J. Colilla/  
Primary Examiner  
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